

Notice of Allowability

Application No.

09/910,750

Examiner

Julian Mercado

Applicant(s)

KIKUYAMA ET AL

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-31-03
2. ☒ The allowed claim(s) is/are 2-8, 11-13 and 18-37
3. ☒ The drawings filed on 24 July 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/234,294
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17 2(a)).

* Certified copies not received: _____

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-848) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
- 3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 5 ☒ Information Disclosure Statements (PTO-1449), Paper No. 2/24/01
- 7 ☒ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)
- 4 ☐ Interview Summary (PTO-413), Paper No. _____
- 6 ☐ Examiner's Amendment/Comment
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

DETAILED ACTION

Remarks

This Office action is responsive to applicant's amendment filed October 31, 2003.

Claims 2-8 and 11-13 and 18-37 are pending, claims 14-17 have been canceled per applicant's amendment and claims 18-37 are newly submitted.

Examiner's Amendment

The application has been amended as follows:

a. The examiner notes that the preliminary amendment filed July 24, 2001 has inserted the following text before the first line of the specification: "This is a division of application Serial No. 09/234,294 filed January 21, 1999.". In order to update the status of the parent application, --, now abandoned-- has been inserted after "filed January 21, 1999".

Claim Rejections - 35 USC § 102

The rejection of claims 14-16 under 35 U.S.C. 102(b) based on Matsumoto et al. (U.S. Pat. 5,455,125) is deemed moot, as claims 14-16 have been canceled.

Allowable Subject Matter

Claims 2-8 and 11-13 are maintained allowed for the reasons set forth in the prior Office action.

Art Unit: 1745

New claims 18-37 are allowed for the same reasons set forth for claims 2-8 and 11-13 insofar as independent claim 18 being modeled after independent claim 2 and independent claim 25 being modeled after independent claim 11, with each of independent claims 18 and 25 including a further recitation of a kneading step and coating step.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



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